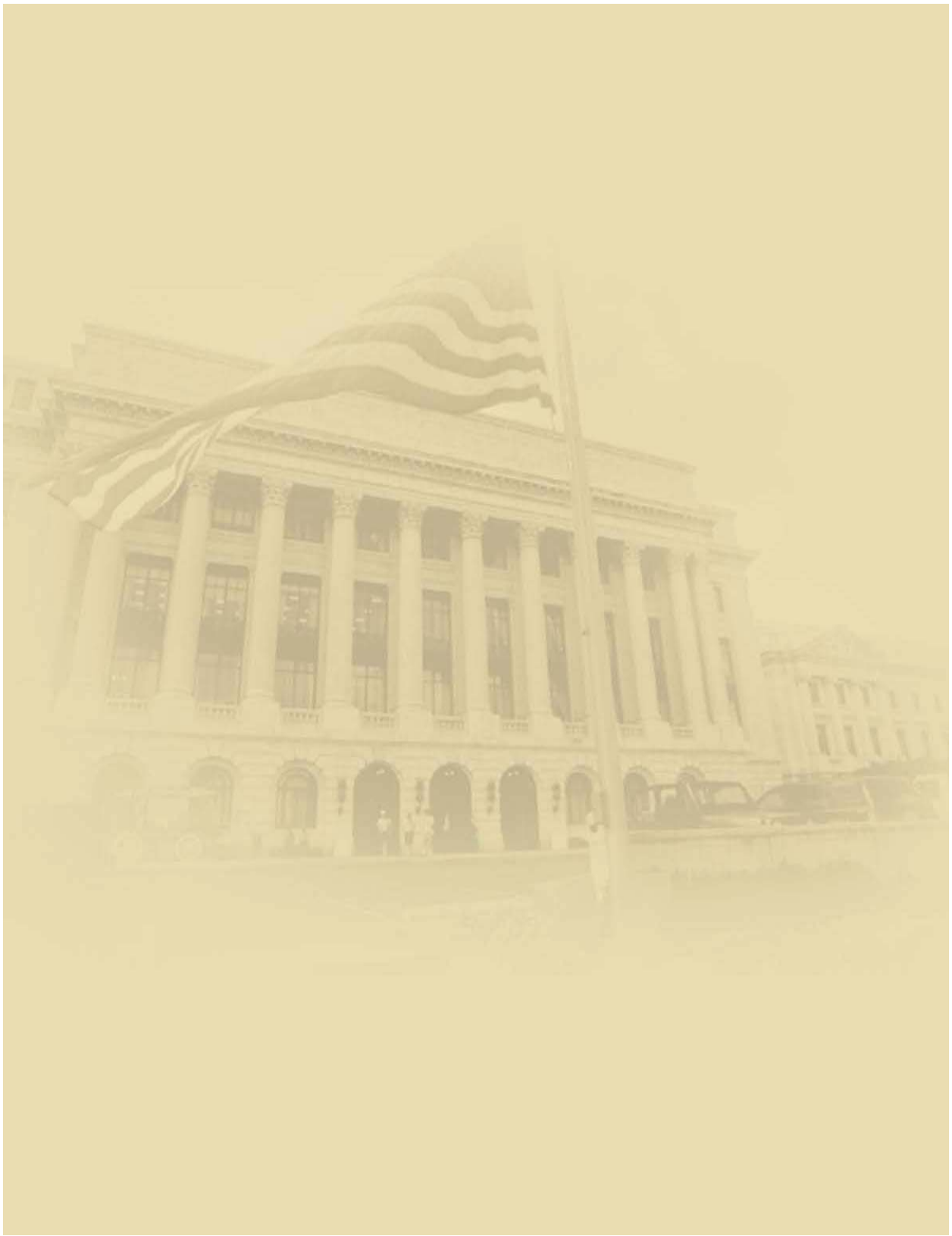
Implementation of Executive Order 13604:

The U.S. Department of Agriculture's Plan for Improving the Federal Permitting and Review Process for Infrastructure Projects

July 31, 2012



Implementation of Executive Order 13604

Executive Order 13604 launched a government-wide effort to improve the Federal permitting and review process to achieve better projects, improve environmental and community outcomes, and foster shorter decisionmaking and review timelines for infrastructure projects. Modernizing America's infrastructure creates jobs and puts people back to work creating the safe, reliable, and resilient roads, bridges, railways, airports, ports and waterways, transit systems, broadband Internet, and energy infrastructure that are imperative to maintaining America's competitive edge in a global economy. Executive Order 13604 builds on several initiatives, including President Obama's memorandum of August 2011 that provides for expediting and coordinating Federal review of 14 high-priority, job-creating infrastructure projects, and the efforts of nine Federal agencies to coordinate their review of electric transmission line projects on Federal lands under an interagency memorandum of understanding (MOU), which was executed in 2009. The MOU provides for early coordination among Federal agencies and with Tribal, State, and local governments and public stakeholders; conducting concurrent instead of sequential reviews; setting and maintaining schedules; leveraging technology; and increasing the clarity and predictability of permitting and review requirements and timelines.

In institutionalizing these best practices, on June 30, 2012, the agencies identified in Executive Order 13604 released the Federal Plan to Improve Performance of Federal Permitting and Review of Infrastructure Projects (Federal Plan). The U.S. Department of Agriculture's Plan for Improving the Federal Permitting Review Process for Infrastructure Projects (USDA Plan) affirms USDA's commitment to the policy goals of Executive Order 13604 and the action items identified in the Federal Plan. Specifically, the USDA Plan:

- Provides an overview of USDA agency permitting and review processes for the benefit of other Federal, State, local and Tribal Governments, project proponents, and other interested stakeholders;

- Establishes USDA's commitment to institutionalize best practices through use of the Federal Infrastructure Permitting Dashboard and selection and tracking of schedules for Nationally or Regionally Significant Projects identified by the steering committee established under the Executive Order (www.permits.performance.gov);

- Highlights best practices USDA is using to improve permitting and review processes and project outcomes for affected communities and the environment; and

- Specifies actions to improve USDA's permitting and review processes and associated timelines for implementation, including tracking and reporting on implementation and improvements.

USDA Agencies With Permitting Authority for Infrastructure Projects

The USDA Plan is limited to major infrastructure projects—surface transportation, aviation, ports and waterways, water resource, renewable energy generation, electricity transmission, broadband, and pipeline projects—that have or facilitate a regional or national economic benefit and typically involve multiple Federal, State, local, and Tribal permitting authorities. Two

USDA agencies are involved in permitting and review of these projects: the Forest Service and the Rural Utilities Service (RUS).

The Forest Service is entrusted with management and stewardship of 193 million acres of national forests and national grasslands to meet the needs of present and future generations. As a Federal land management agency, the Forest Service's chief responsibilities related to major infrastructure projects involve conducting the requisite environmental analysis for proposed projects on National Forest System (NFS) lands and permitting the use and occupancy of NFS lands for those projects. RUS, through loans and grants, helps rural America finance electric, telecommunications, and water and waste water projects. As an agency offering financial assistance, RUS's chief responsibilities related to major infrastructure projects involve evaluating the merits of grant and loan applications and conducting the requisite environmental analysis for financial support decisions.

Forest Service Permitting and Review Responsibilities

The Forest Service requires a land use authorization for use or occupancy of NFS lands when an entry or participation fee is charged for a use or activity or where the primary purpose of a use or activity is the sale of a good or service. The Forest Service manages more than 74,000 authorizations for more than 180 types of uses of NFS lands. Some of the more common types of uses of NFS lands include communications facilities, road rights-of-way, communications sites, and telephone, power, and fiber optic lines. The Forest Service annually processes applications and issues authorizations for thousands of new or recurring uses of NFS lands. The agency receives approximately 6,000 applications for land use authorizations each year. Each commercial proposal is screened for compliance with enumerated criteria, including consistency with the applicable land management plan, prior to being accepted as an application and analyzed in accordance with the National Environmental Policy Act (NEPA). Applications must be granted before a land use authorization is issued. The estimated timeframe for the Forest Service to issue a land use authorization for each type of major infrastructure project is enumerated in Appendix A.

Several Federal statutes authorize occupancy and use of NFS lands. The applicable statutory authority determines the appropriate land use authorization. The primary authority for permitting major infrastructure projects on NFS lands is Title V of the Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1761-1771. Authority and responsibility for making decisions on proposals and applications for Forest Service land use authorizations typically resides with the Forest Service line officer (e.g., a Forest Supervisor or District Ranger) who has jurisdiction over the NFS lands proposed for use.

In addition, the Forest Service participates in Federal Energy Regulatory Commission (FERC) proceedings for the licensing of hydroelectric projects on NFS lands per authority granted via section 4(e) of the Federal Power Act (16 U.S.C. 791 824). Under section 4(e) of the Federal Power Act, FERC must include conditions that the Secretary of Agriculture deems necessary for adequate protection and use of the reservation. Section 4(e) conditions are considered mandatory conditions: FERC cannot edit or exclude them from a license. The Forest Service submits these conditions on behalf of the Secretary of Agriculture and in certain cases may also issue a land use authorization pursuant to FLPMA governing the occupancy and use of

NFS lands. The Forest Service also issues such an authorization for projects exempted from FERC licensing under the Federal Power Act.

For projects exempted from FERC licensing under the Federal Power Act, the Forest Service issues a land use authorization pursuant to FLPMA authorizing the occupancy and use of NFS lands.

RUS Review Responsibilities

RUS is a policy, planning, and lending agency within USDA's Rural Development mission area that provides financial assistance for electric, telecommunications (including broadband), distance learning and telemedicine services, and water and waste disposal infrastructure serving rural areas. RUS provides loans, loan guarantees, and grants to entities serving eligible populations through RUS's Electric, Telecommunications, and Water and Environmental Programs. The Electric Program assists more than 700 borrower entities in 46 states through loans and loan guarantees to rural electric utilities for the construction of electric generation, transmission, and distribution facilities. The Telecommunications Program provides loans and grants to entities providing telecommunications and distance learning and telemedicine services. The Water and Environmental Programs provide loans, loan guarantees, grants, and technical assistance to communities for drinking water, waste water, solid waste, and storm drainage facilities. RUS also advocates on behalf of rural consumers and sets standards for its program participants.

Applications for financial assistance are reviewed to determine the appropriate level of NEPA review, which may include the documentation to support the application of a categorical exclusion (CE) or the preparation of an environmental assessment (EA) or environmental impact statement (EIS). For example, under the Electric Program, an EIS is typically required when an RUS loan is used to finance a new electricity-generating facility of more than 50 MW (nameplate rating) other than fuel cell, combustion turbine, combined cycle, or diesel generators. All new associated facilities and electric power lines are included in the EIS. Based on the nature of construction and use of existing right-of-way infrastructure, projects financed under the Telecommunications and Water and Waste Programs are reviewed under RUS's environmental policies and procedures to identify the appropriate level of NEPA review.

The statutory authority for RUS's programs includes the Rural Electrification Act of 1936, as amended, the Consolidated Farm and Rural Development Act, as amended, and the Federal Agriculture Improvement Act, as amended.

Improving Coordination Within and Among Federal Agencies and With Tribal, State, and Local Governments

In many cases, one Federal agency may have the responsibility for a permitting decision, but multiple Federal agencies may be involved in the review process associated with a decision or may have related permit or financial decisions of their own. Coordination of the overall effort is essential for complex decisions to minimize potential delays and to maximize opportunities to avoid, minimize, and, if necessary, mitigate impacts on affected communities and the environment. The following section describes current Forest Service and RUS coordination and collaboration, best practices, and actions intended to improve these practices.

Forest Service Coordination and Collaboration

Federal coordination of permitting and review of proposed infrastructure projects is initiated once an application for a project has been accepted for review. At that point, formal scoping begins. The NEPA regulations define scoping as "an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action," 40 CFR § 1501.7. While the White House Council on Environmental Quality's (CEQ's) regulations require formal scoping only for projects that require preparation of an EIS, the Forest Service applies scoping to all projects, regardless of whether they will require preparation of an EA or EIS or are categorically excluded from documentation in an EA or EIS. Consistent with the MOU, formal scoping includes procedures that expedite Forest Service permitting and review of major infrastructure projects, including:

- Determining the responsible official and lead and cooperating agencies and their input into the environmental analysis;
- Identifying other environmental review and consultation requirements so that they can occur concurrently and be integrated into the Forest Service's environmental analysis,
- Identifying preliminary issues and interested parties;
- Soliciting comments on the proposed action from other Federal, State, local, and Tribal governments and other interested parties;
- Refining the proposed action; and
- Indicating the timing of environmental analyses and the Forest Service's tentative planning and decisionmaking schedule.

The results of scoping are used to clarify public involvement methods, select an interdisciplinary team, establish analysis criteria, and explore possible alternatives and their probable environmental effects.

Per CEQ regulations and consistent with the Federal Plan, the Forest Service's Directive System specifies the role of the lead and cooperating agencies in conducting environmental analysis. In particular, Forest Service directives address identification of cooperating agencies and emphasize the importance of interagency cooperation early in the NEPA process. The lead agency is responsible for soliciting cooperation from other Federal, State, local, and Tribal governments with jurisdiction by law or special expertise on environmental issues that should be addressed in the environmental analysis.

The lead agency is encouraged to identify expectations, roles, and responsibilities of cooperating agencies and address preparation of environmental analysis, schedules, and availability of pre-decisional information in cooperating agency agreements.

In addition to these formal methods for coordination and cooperation, tools such as MOUs can also be used to promote efficiency in the permitting and review process for major infrastructure projects. Other resources, including MOU and interagency agreement templates, are posted on the Forest Service's grants and agreements Web site. A sample MOU among the Wyoming Department of Transportation, the Wyoming Office of the Federal Highway Administration, and the Forest Service is included as Appendix B.

In response to interest from the Western Governors' Association, the Forest Service, along with the National Park Service and Bureau of Land Management (BLM), issued a statement in 1998 clarifying cooperating and lead agency roles in conducting environmental analysis under NEPA. Although the statement was prepared in response to State and local governments' request to be lead and cooperating agencies, the statement also applies to Native American and Alaska Native Tribal governments. This clarification is provided as guidance to Forest Service field staff in the agency's Directive System and is included in Appendix C.

The Forest Service typically does not formally cooperate with FERC in connection with environmental analysis for FERC's hydroelectric licenses. The reason is that FERC has a policy that when another agency formally

Coordination and Collaboration:
Cascade Crossing Electric Transmission Line Project

The Cascade Crossing Electric Transmission Line Project is a proposed 216-mile, 500 kV, double-circuit transmission line extending from Boardman, Oregon, to Salem, Oregon. The transmission line would connect to proposed wind energy projects in eastern Oregon, as well as to existing and proposed generation facilities, including a proposed natural gas plant in the Boardman area. As a high-capacity electric transmission line, Cascade Crossing would relieve congestion in the electrical grid, alleviate reliability issues associated with the grid, and meet future demand for electricity in Portland General Electric's (PGE's) service area.

The Forest Service has been designated as the lead Federal agency for the project because the Forest Service administers the majority of Federal lands proposed for the project. The Mount Hood National Forest is the lead National Forest for the project, and the Forest Supervisor for that forest has delegated authority under the Service First statute to sign the record of decision for the project on behalf of both National Forests and the Prineville and Salem BLM Districts that would be traversed by the transmission line. The Forest Service is preparing an EIS that will be the basis for all Federal decisions on the project, including all land use authorizations and the Section 404 Clean Water Act permit. The U.S. Army Corp of Engineers is a cooperating agency with respect to issuance of its separate decision for the Section 404 Clean Water Act permit. The cooperating agencies, Tribes, and PGE share an interest in minimizing the environmental footprint of the project throughout its 216-mile length. Under the current timeline, the draft EIS will be published in January 2013, and all Federal permitting and review processes and any administrative appeals would be completed by early 2014.

The Federal agencies, Tribes, and PGE (the Coordinating Team) have been working collaboratively on this project since its inception. The collaboration has created efficiencies in the Federal, State, and Tribal environmental review processes. The Coordinating Team has agreed upon methods for minimizing environmental effects from the project and has been working on coordinating consultations under Section 7 of the ESA and Section 106 of the National Historic Preservation Act. The Coordinating Team is considering a suite of mitigations, including landscape-level strategies such as conservation in the range of a threatened species (northern spotted owl) and watershed restoration. The Coordinating Team has also jointly conducted public involvement opportunities at several points throughout the review processes, and PGE and the Federal agencies continue to reach out to key stakeholders.

cooperates on a FERC-led NEPA document, the other agency forgoes any administrative remedy in connection with the environmental analysis before FERC and the courts. Instead, the Forest Service works with FERC to build the necessary record to support FERC's environmental analysis and any conditions the Forest Service may submit under section 4(e) of the Federal Power Act.

Service First Authority

The Service First statute enhances the ability of four Federal land management agencies, the Forest Service, BLM, U.S. Fish and Wildlife Service, and the National Park Service, to coordinate and collaborate in natural resource management. The three primary objectives of the Service First authority are (1) to provide better customer service; (2) to improve natural resource stewardship; and (3) to conduct business more effectively and efficiently. The Service First authority allows the four land management agencies to cross-delegate their authorities, duties, and responsibilities to their respective personnel.

For example, in the context of major infrastructure projects, the Service First authority allows BLM to cross-delegate its authorities regarding issuance of a right-of-way to the Forest Service line officer with delegated authority for the Cascade Crossing Electric Transmission Line Project, thereby allowing the Forest Service line officer to issue a single record of decision for the project.

As an additional example, at the Glenwood Springs, Colorado, office, the Forest Service and BLM work jointly on NEPA analyses, permit approvals, and inspection of oil and gas sites. After leases are issued and before drilling begins, the Glenwood Springs interagency team is involved in several integrated activities, including approval of rights-of-way for roads and pipelines and applications for drilling permits. Both agencies have adopted BLM's process for approving rights-of-way across federal land, as well as BLM's standard guidance on oil and gas permitting. The agencies have created joint guidelines for standard stipulations, such as restrictions during certain months to protect wildlife, in all lease agreements, and have standardized processes for oil and gas leases and operators.

Permitting and review of major infrastructure projects could be significantly expedited if the cross-delegation authority in the Service First statute were expanded to provide for issuance of a single land use authorization when lands managed by more than one Federal agency are involved. To allow issuance of a single authorization in this situation, the Service First statute would have to provide for cross-delegation of each agency's authorities, so that the authorities of one agency could be applied to lands managed by another agency for purposes of a particular project. In contrast, the Service First statute provides that it does not alter applicability of current law or regulation to lands managed by the four agencies.

RUS Coordination and Collaboration

Federal agencies that have permitting or approval authority related to a project are identified through the RUS loan application process and are invited to participate in the environmental review effort. The lead and cooperating agencies vary by project. The selection of the lead agency is based on the goals of avoiding duplication of effort, streamlining the environmental review process, and satisfying multiple agency environmental requirements through a single,

coordinated review process. Typically, RUS assumes the role of the lead agency when RUS is expected to fund all or a majority of the project's costs. Electric transmission facilities proposed to be located in National Interest Electric Transmission Corridors (National Corridors) are also potentially subject to FERC's electric transmission facilities permit process (see www.ferc.gov).

RUS also works closely with State and Tribal governments. RUS seeks to establish joint environmental review processes and documents for major infrastructure projects requiring State or Tribal approval that can satisfy all Federal, State, Tribal, and local requirements. RUS attempts to conduct required public meetings in conjunction with any public meetings or hearings required by the State or Tribal environmental review process. RUS may adopt the local jurisdiction's EIS or may include or incorporate by reference relevant portions of that EIS in RUS's EIS.

Cost Recovery Authority

The authority to recover costs from applicants for evaluating and authorizing major infrastructure projects is critical to improving the efficiency of these processes. Cost recovery fees pay for dedicated agency staff needed to meet processing schedules, conduct required environmental analysis, and engage in required consultation and for retention of outside environmental consultants. Cost recovery authority helps agencies improve customer service and creates additional resources to fund a more skilled and efficient workforce capable of meeting increased demands from project applicants, coordinating agencies, and the public.

The Forest Service is authorized under section 504(g) of FLPMA, 43 U.S.C. 1764(g), to recover all reasonable administrative and other costs incurred in processing applications for land use authorizations. In 2006, the Forest Service promulgated cost recovery regulations for this purpose. Under these regulations, processing fees cover necessary Forest Service costs incurred in reviewing land use applications, conducting environmental analyses of the effects of the proposed use, reviewing any applicant-generated environmental documents and studies, conducting site visits, evaluating an applicant's technical and financial qualifications, making a decision on whether to issue the authorization, and preparing documentation of analyses, decisions, and authorizations for applications. The Forest Service's cost recovery regulations are consistent with BLM's. The two agencies use identical fee schedules and rates for assessing processing fees for minor projects and apply the same principles in assessing fees for major projects.

RUS lacks similar cost recovery authority, which makes it more difficult for RUS to commit staff to review of major infrastructure projects. RUS is exploring all options to secure additional resources to speed environmental reviews for these projects. One of these options could include promulgation of cost recovery regulations under the Independent Offices Appropriations Act, 31 U.S.C. 9701.

Timing is another important factor in cost recovery authority for major infrastructure projects. The authority under section 504(g) of FLPMA authorizes recovery of costs incurred in processing applications for land use authorizations. The Forest Service's cost recovery regulations provide that processing fees are triggered when the agency accepts a proposal as an application and is prepared to process it. Within these parameters, the Forest Service has

expedited applicability of processing fees by issuing directives related specifically to major electric transmission line projects that require the Forest Service to:

- Inform potential project proponents of cost recovery requirements; encourage potential project proponents, at pre-proposal meetings, to submit proposals that are sufficient to accept as applications; and work with project proponents to achieve that goal;

- Within 20 days of receipt of a project proposal, screen it and notify the proponent and cooperating agencies of whether the proposal is rejected or whether the Forest Service can accept an application for the project; and

- Commence cost recovery immediately after a proposal meets the screening criteria and the Forest Service accepts an application.

Actions to Improve Coordination and Collaboration

Action	Target Completion Date
The Forest Service will continue to provide for collaboration and coordination among teams by sharing expertise and enhancing project management skills for major infrastructure projects.	Ongoing
RUS will revise Bulletin 1794-A603, Scoping Guide, or a similar document to incorporate additional guidance on coordination for major infrastructure projects. This revision will also incorporate OMB's Integrated project plan guidance as a reference (Appendix D).	Proposed revisions to be published by November 1, 2012; final revisions to be published in February 2013

Working collaboratively with land management agencies in the U.S. Department of the Interior, the Forest Service will continue to explore opportunities to utilize and enhance the Service First authority to improve permitting and review of projects identified by the Rapid Response Team for Transmission and projects tracked on the Federal Infrastructure Permitting Dashboard.	Ongoing
Forest Service and RUS leadership will issue letters on projects tracked on the Federal Infrastructure Projects Dashboard. At a minimum, these letters will provide that the lead agency for each project assume responsibility for ensuring that project timelines are met; participation in projects receives a high priority within each agency; project design, impacts, and mitigation are recognized and addressed early in the development phase; and each agency's interests are fully and appropriately considered in development of each project so that issues can be identified and resolved expeditiously.	September 30, 2012
The Forest Service and RUS will continue to assess and adapt review processes, as appropriate, incorporating best practices and using processing timelines established by the Rapid Response Team for Transmission and the steering committee established under Executive Order 13604.	Ongoing
The Forest Service and RUS will continue to use interagency working groups and partnerships to improve planning and execution of major infrastructure projects. The Forest Service and RUS will continue to work with BLM and the U.S. Fish and Wildlife Service to identify templates or standard language for consultation agreements under section 7 of the Endangered Species Act.	Ongoing

Improving Transparency and Predictability of the Application Process and Expanding Public Outreach and Participation

Project proponents play a crucial role in reducing timelines and improving outcomes for major infrastructure projects. In particular, early efforts by project proponents to minimize environmental impacts in siting and designing projects can reduce conflicts and delays. Proponents are charged with preparing engineering plans and environmental studies rooted in the best available science, as well as documenting the project's technical and financial viability. Improving the transparency and predictability of the application process is essential to helping proponents meet these requirements so that permitting and funding agencies can design concurrent and timely review processes.

The public is also engaged in the permitting and review process through statutory and regulatory requirements that provide for public input. A successful plan to create a more transparent permitting and review process with predictable timelines must therefore also include early public involvement and issue resolution. This section discusses Forest Service and RUS application processes and actions to improve transparency and predictability of, and expand public outreach and participation in, those processes.

Forest Service Application Process

Before the Forest Service can accept an application for a project, the proponent must submit a proposal for screening by the Forest Service. Project proposals must describe the proposed use in sufficient detail to identify:

- The location and scope of the proposed use, the resources affected, anticipated improvements, and method of operation when construction is complete;
- Construction phases and their estimated starting and completion dates;
- Any technical requirements for development or operation of the project; and
- Other Federal, State, and private lands affected by the proposed use and any other agencies that have licensing or regulatory authority over the proposed use.

Once a proposal passes screening, the Forest Service notifies the proponent that the agency is prepared to accept an application. The Forest Service encourages use of a standard application form to reduce the filing burden on applicants and to provide consistent information for cooperating agencies. The application form requests information about the type of project proposed by the applicant, including the project's location; the applicant's technical and financial capability to construct, operate, maintain, and terminate the project; the applicant's need for the particular right-of-way; and the general environmental impact of the proposed project. The Forest Service may request additional information, such as cultural resource surveys and biological surveys of threatened, endangered, or sensitive species and their habitats, to evaluate the application.

The Forest Service must provide information and advice to proponents in preparing their applications to focus the range of alternatives during environmental review, including:

- Guidance and the information necessary to proceed with the approval process, including information concerning potential land use conflicts, processing timeframes, environmental and management concerns, administrative fees, anticipated land use fees, and approvals that must be obtained from other Federal, State, or local agencies;

- Notification of whether any on-the-ground investigations that may require a temporary use permit are necessary to consider the application;

- Discussion of the kind of authorization and general terms and conditions that may be applicable to the proposed use; and

- Notification that the proponent is responsible for providing studies or other documentation needed by the Forest Service to complete environmental review and the cost of those studies or other documentation.

A proposal for use of NFS lands is considered a proposed action for NEPA purposes when it is accepted as an application. Applications must be evaluated pursuant to NEPA, CEQ's regulations, the Forest Service's NEPA regulations, and other applicable environmental law. Once environmental review has been completed, the Forest Service decides whether to grant the application, and if so, under what conditions. For minor projects, the Forest Service must endeavor to make a decision on an application within 60 calendar days from the date of receipt of the processing fee. If the application cannot be processed within the 60-day period, the Forest Service must notify the applicant of the reason why the application cannot be processed within that timeframe and the date the agency plans to complete processing the application. For major projects, the Forest Service must notify the applicant within 60 calendar days from the date of acceptance of the application of the anticipated steps that will be needed to process the application.

Forest Service Administrative Review Process

Forest Service regulations at 36 CFR part 215 provide for notice, comment, and administrative appeal for proposed actions concerning projects and activities implementing Forest Service land management plans and documented with a record of decision or decision notice. The administrative appeal process in part 215 is available to those who submit comments during the comment period. Appeals must be filed within 45 days of publication of notice of a decision and are resolved within 45 days.

Section 428 of the Consolidated Appropriations Act, 2012, Public Law 112-74, for the United States Department of the Interior and Related Agencies requires a pre-decisional objection process for proposed actions of the Forest Service concerning projects and activities implementing land management plans and documented with a record of decision or decision notice, in place of the post-decisional appeal process provided in part 215. The Forest Service is in the process of drafting regulations to implement this statutory requirement. The new pre-decisional objection process will provide for further consideration of concerns regarding a proposed project before a decision is made.

Under Forest Service regulations at 36 CFR part 251, subpart C, those who hold a Forest Service land use authorization may appeal certain types of Forest Service decisions affecting their written authorizations. The Forest Service is finalizing regulations that will replace 36 CFR part 251, subpart C, and that will be codified at 36 CFR part 214. Under 36 CFR part 214, the decisions eligible for administrative appeal will be clarified, the appeal procedures will be simplified, and the time to resolve an appeal will be shortened.

RUS Application Process

RUS loan and grant programs are administered pursuant to published regulations. RUS also publishes application guides to assist applicants as they prepare applications to ensure appropriate consideration of environmental factors in early project planning and design. The application guides also provide examples of eligible projects, copies of the requisite forms, and direction on finding additional resources, such as agency contacts and additional background information.

RUS conducts a variety of educational and outreach efforts, including webinars and training sessions, to inform potential borrowers and grantees of program rules and eligibility. RUS general field representatives (GFRs) for the Telecommunications and Electric Programs are stationed throughout the United States and meet regularly with borrowers, applicants, and other stakeholders. GFRs can assist applicants in developing loan applications, discuss matters of interest to borrowers, and provide assistance as requested, often one to one. Field accountants are available to Electric and Telecommunications Program borrowers to provide advice and assistance on accounting issues. The RUS Water and Waste Programs are administered through a network of 47 Rural Development State offices comprised of technical and financial experts and headed by a State Director. Program staff also maintain close contact with consumer groups and industry trade associations. As an example of these successful RUS public-private partnerships, the Electric Program works closely with the National Rural Electric Cooperative Association on training initiative and outreach, and the two entities regularly share pertinent industry information and developments.

RUS loans are generally evaluated on a first-in, first-out basis, with priority available for rural projects that are highly needed and for projects that will serve Tribal communities living in substantially underserved trust areas. In competitive grant programs, RUS staff panels review and rate eligible applications using the selection criteria and weights described in the program's regulations. As part of the review and ranking process, panel members may make comments and recommendations for appropriate conditions on awards and loans to promote successful performance or to ensure compliance with other Federal requirements.

Grant awards and loan approvals are required to comply with 7 CFR part 1794, which sets forth RUS environmental policies and procedures implementing NEPA and other applicable statutes, regulations, and Executive Orders. Grantees and loan recipients must agree to comply with any applicable Federal or State environmental laws and regulations. If the proposed project involves construction or property acquisition, the applicant is generally prohibited from acquiring, rehabilitating, converting, leasing, repairing, or constructing facilities or committing or expending RUS or non-RUS funds for proposed activities until the RUS has completed the requisite environmental review. The extent of analysis and level of detail reflected in the environmental review process will depend on the size and complexity of the proposal and the scope and intensity of the expected environmental impacts.

RUS expects applicants (and in the case of guaranteed loans, lenders and the lenders' clients) to consider the potential environmental impacts of their proposals at the earliest planning stages and to develop proposals that minimize adverse environmental impacts. Prospective applicants and lenders need to contact their closest USDA Rural Development field office or national office staff to identify environmental requirements as soon as possible after the decision to pursue funding has been made. Applicants and lenders are required to provide additional information to assist

RUS Guidance for Project Proponents
Preparation of the Macro-Corridor Study

RUS Environmental Policies and Procedures require applicants to prepare analyses when applying for financial assistance for electric generation or transmission projects requiring an EA or EIS: an alternatives evaluation study (AES) and site selection study (SSS) for generation and a Macro-Corridor Study (MCS) for transmission. The purpose of these documents is to provide information to staff and the public regarding the proposed project and to support participation in the scoping process for determining the scope of the environmental review. When RUS approves these studies, the formal environmental review process can begin with the initiation of public and agency scoping, required consultation and the subsequent preparation of an EA or an EIS. The AES (see Exhibit D-6) identifies the initial problem (e.g., need for new electric transmission) and identifies and evaluates the best solutions for addressing the problem and meeting the need. The MCS identifies potential planning corridors within which transmission lines could be sited. It provides information on environmental, social, and cultural factors for each of the macro-corridor options within the study area.

RUS has recently revised its guidance for the MCS and has issued draft guidance to help applicants and their consultants in conducting and documenting the analysis required to identify a transmission corridor once the need for one has been established. In addition, RUS is making available an environmental resource directory that contains useful information pertaining to the resources considered in macro-corridor siting, including references and web links and information regarding the significance of the resource. These guidelines and resources will help project applicants prepare applications that incorporate appropriate consideration of environmental and social factors and alternatives in the project's planning and design phase.

RUS's evaluation of the proposal's potential environmental impacts. Public notice may also be required to inform and involve the public in the environmental impact analysis, to assist in the investigation of project alternatives, and to implement measures to mitigate or minimize potential adverse impacts.

After a draft or final EIS has been prepared, if required, RUS and the applicant concurrently publish a notice of availability of the document. The time period allowed for review is at least 45 days for a draft EIS and 30 days for a final EIS. This period is measured from the date that the U.S. Environmental Protection Agency publishes a notice in the Federal Register in accordance with 40 CFR 1506.10.

Actions to Improve Transparency and Predictability of the Application Process and to Expand Public Outreach and Participation

Action	Target Completion Date
The Forest Service and RUS will continue to expand outreach to project proponents and their associations in order to clarify application processes and seek input on process improvements for major infrastructure projects. USDA will submit reports on past and planned outreach to the Office of Management and Budget.	Ongoing
The Forest Service and RUS will integrate information on efficient processing of applications from the Rapid Response Team for Transmission and the steering committee created pursuant to Executive Order 13604 into development of application tools and guidance for proponents of major infrastructure projects.	Ongoing
RUS will finalize guidance on MCS requirements in conjunction with publication of new RUS environmental policies and procedures.	November 1, 2012
The Forest Service and RUS will continue to support staff and project manager participation in training sessions conducted by other agencies and industry, as appropriate, to develop subject matter expertise within the agencies.	Ongoing

The Forest Service and RUS will continue to partner with the Federal Geographic Data Committee and OpenGov Working Group to explore ways to make data publicly available to inform and facilitate project siting and guidance.	Ongoing
USDA will revise Departmental Regulation 5600-02, which provides direction to USDA agencies on integration of environmental justice considerations into USDA programs and activities. This revision will provide better guidance to USDA agencies on public participation and consultation with affected communities in connection with major infrastructure projects.	February 2013

Tracking and Reporting on Implementation and Improvement

Well-constructed tracking and evaluation systems and performance measures enhance agencies' efficiency and effectiveness. These systems help agencies establish baselines, determine trends, identify problems, and maintain a commitment to continual performance improvement. This section describes the Forest Service's permit and review tracking systems and efforts to improve these systems to enhance predictability of timelines, identify the causes of deviation from timelines, and measure improvements.

Permit and Review Tracking Systems

The eMNEPAtoolset streamlines tracking and reporting of NEPA compliance for Forest Service projects, distribution of environmental information, and collection of and response to public comments on projects during NEPA compliance. The resources needed for implementation of eMNEPA have been minimal, and it has already reduced the administrative burden on field personnel and enhanced public input associated with NEPA compliance.

As part of the eMNEPA suite of tools, the Forest Service uses one information technology system, known as the planning, appeals, and litigation system (PALS), for tracking NEPA compliance. PALS is a Web-based application that tracks NEPA compliance for all Forest Service projects, including scoping, environmental analysis, decision documentation, and documents associated with appeals and litigation. PALS was developed in cooperation with agency field staff and was implemented to improve efficiency and facilitate NEPA compliance. The Forest Service saves approximately $8 million per year by not having to prepare, publish, mail, and file NEPA documents manually and by electronically responding to field data calls using PALS. PALS automates several required reports, including a quarterly publication of the Forest Service's schedule of proposed actions; cooperating agency reports to CEQ; and publication of administrative appeal decisions. The PALS search and report feature has been valuable in reducing the impact of data calls to the field for internal and external inquiries and

enables the agency to provide consistent responses. Reduced data calls to the field have saved an estimated $4 million per year.

eMNEPA greatly reduces the resources needed to collect and respond to public comments during NEPA compliance. The eMNEPA software allows the Forest Service to provide for online submission of public comments and to manage and automate analysis of public comments. Comments submitted via traditional means (e.g., via mail or facsimile) can be scanned or uploaded. The software aggregates the comments and helps staff quickly identify, classify, and respond to comments in a way that can be used in final documents. The software identifies and sorts form letters and flags terms that may require early attention (e.g., "comment period extension"). In addition, the software allows specialists to respond to public comments in one location, rather than passing computer files or hard copies around the office, thus reducing printing, data entry, and duplication of effort.

The Forest Service uses a separate system, known as the Special Uses Data System (SUDS), for tracking cost recovery for land use authorizations. The Forest Service enters into SUDS the estimated or actual time or costs required to process applications, which enables analysis of and submission of reports to Congress on the cost recovery program. The Forest Service updates the entries at major points in cost recovery, for example, upon acceptance of a proposal as an application, billing and payment of cost recovery fees, and issuance of an authorization. These intervals may or may not be appropriate for analyzing the total time required to process applications for major infrastructure projects or the causes of any deviation from timelines for those projects.

Neither PALS nor SUDS is designed or utilized to meet all the goals of Executive Order 13604 and the Federal Plan. PALS tracks major milestones associated with NEPA compliance, while SUDS tracks major milestones associated with cost recovery. The Forest Service will continue to explore adaptations to these systems to improve tracking of timelines for permitting and review for major infrastructure projects so as to allow the Forest Service to determine more precisely the total time required for those processes and the causes of any deviation from timelines.

Twice per year, in June and in December, USDA is responsible for reporting on performance regarding permitting and review of major infrastructure projects to the Chief Performance Officer (CPO). Based on these data, in January of each year, the CPO will submit an annual report to the President on permitting and review of major infrastructure projects, including agency scorecards, which will be made publicly available on the Federal Infrastructure Projects Dashboard. The Forest Service and RUS will commit to tracking the timelines and determining causes of any deviation from timelines for regionally and nationally significant projects posted on the Federal Infrastructure Projects Dashboard for which the Forest Service or RUS is the lead agency. The Forest Service has established approximate timelines for issuing land use authorizations for these projects and will assess whether changes are needed to agency directives and information technology systems to improve tracking of these timelines.

Actions to Track and Report on Implementation and Improvement

Action	Target Completion Date
The Forest Service recently adjusted PALS to allow queries that track timelines for major infrastructure projects. The Forest Service will make recommendations regarding potential use of SUDS and eMNEPA to track timelines and identify causes of any deviation from timelines for major infrastructure projects.	January 15, 2013
The Forest Service and RUS will track Nationally or Regionally Significant projects identified by the steering committee created under Executive Order 13604 for which the Forest Service or RUS is the lead agency on the Federal Infrastructure Dashboard (www.permits.performance.gov) and will work on methods for tracking timelines and identifying causes of any deviation from timelines for those projects.	Ongoing
The Forest Service and RUS will submit biannual reports to the Under Secretary for Natural Resources and Environment on (a) whether the timelines in the USDA Plan, as well as the timelines posted on the Federal Infrastructure Projects Dashboard have been met and the causes of any delays; (b) completion of actions identified in the USDA Plan and other initiatives pertinent to the goals of Executive Order 13604 and the Federal Plan; (c) any best practices, model agreements, or systems implemented that may benefit other Federal agencies' implementation of Executive Order 13604; (d) completed and planned outreach or training sessions for project proponents on application requirements or review processes; and (e) potential improvements to the Federal Infrastructure Permitting Dashboard's tools for interagency collaboration, including ways to make them easier to use and more consistent with Forest Service and RUS business practices for coordination and collaboration.	Biannually, due November 15 and April 15

Appendix A: Estimated Time Required for Issuance of a Forest Service Land Use Authorization for Major Infrastructure Projects

Type of Project	Estimated Time to Issue a Land Use Authorization*
Hydroelectric project licensed by FERC	48 to 84 months or more
Hydroelectric project exempted from FERC licensing requirements	24 to 48 months
Wind energy facility	24 to 48 months
Fossil fuel power plant	24 to 48 months
Oil and gas pipeline	Approximately 18 to 24 months
Oil and gas pipeline-related facility	Usually connected to and included in pipeline construction
Oil and gas production and storage area	24 to 48 months
Natural gas pipeline associated with a hydroelectric project licensed by FERC	Work begins approximately 12 months prior to submission of an application. Approximately 18 months from application to issuance of certificate and notice to proceed
Power line financed by REA	24 to 48 months
Other utility improvement financed by RUS	24 to 48 months
Power line	48 months or more
Other utility improvement	6 to 36 months

Airport or heliport	18 to 36 months
Hanger and service facility	6 months to 18 months
Airport concession	6 months to 18 months
Airport or airway beacon	18 to 36 months
Helicopter landing site	3 to 12 months

* Depending on complexity and including planning, environmental analysis, and preparation of the authorization.